

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



SUMMER LYNN RIFENBURG,

Plaintiff,

DECISION AND ORDER

18-CV-0462L

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

On December 5, 2019 (Dkt. #28), this Court entered a Decision and Order denying a motion for reconsideration filed by plaintiff.

Plaintiff has filed a Notice of Appeal as to that Decision and Order (Dkt. #31), and has moved for leave to proceed in forma pauperis (Dkt. #29) and for an extension of time to appeal (Dkt. #30).

Initially, plaintiff's motion for an extension of time to file her Notice of Appeal is denied as moot. (Dkt. #30) Because this matter involves a United States agency, plaintiff had sixty (60) days from entry of the decision-appealed-from to file her Notice of Appeal. Fed. R. App. Proc. 4(a)(1)(B). The Decision and Order was entered December 5, 2019, and plaintiff's Notice of Appeal was filed January 14, 2020, less than sixty days later. As such, plaintiff's Notice of Appeal was already timely, and no extension of time is necessary.

Upon review of plaintiff's motion to proceed in forma pauperis and supporting affirmation, I find that plaintiff has satisfied the pertinent statutory requirements under 28 U.S.C. §1915. Plaintiff's motion for leave to proceed as a poor person (Dkt. #29) is therefore granted.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 15, 2020.